

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS

R&P SEAFOOD/SHELLFISH, INC. &
FOUR SEAS, INC.

Plaintiffs

v.

KENNEBUNK SAVINGS BANK,

Defendant

Case No. 05-cv-10420-MLW

**DEFENDANT'S MOTION FOR STAY OF PROCEEDINGS, PENDING
RESOLUTION OF MOTION TO DISMISS/CHANGE OF VENUE AND
INCORPORATED MEMORANDUM OF LAW**

NOW COMES Defendant, Kennebunk Savings Bank ("KSB"), by and through its attorneys, Thompson & Bowie, LLP, and hereby moves for a stay of the proceedings in this litigation as follows.

ARGUMENT

On this date KSB is submitting a motion seeking either dismissal of this litigation or a change of venue to the United States District Court, District of Maine. *See* "Defendant's Motion to Dismiss for Lack of Jurisdiction, or, in the Alternative, Motion for Change of Venue and Incorporated Memorandum of Law" ("the Motion"). The Motion addresses that the court lacks personal jurisdiction over KSB and that diversity jurisdiction is lacking for failure to satisfy the minimum amount in controversy requirement. *See id.* Accordingly, the Motion seeks dismissal, or a change of venue to the United States District Court, District of Maine. *Id.*

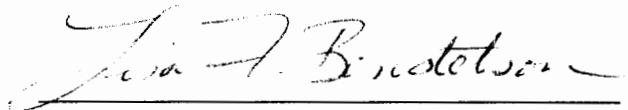
Given the pendency of these matters, a stay should issue so that KSB is protected from discovery requests, initial disclosure obligations, scheduling conferences, and all like deadlines and proceedings associated with the litigation. KSB respectfully asserts that given that the

personal jurisdiction of the Court has been challenged, that is demonstrable good cause to support KSB's request for all of the reasons set forth in the Motion, which KSB repeats and reasserts as if fully set forth herein.

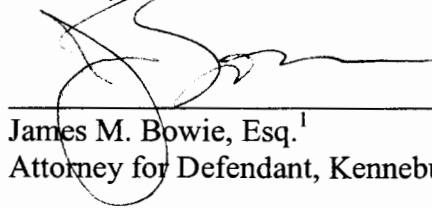
CONCLUSION

WHEREFORE, for all the foregoing reasons, Defendant prays that this motion be GRANTED and that the Court issue an Order entering a stay of all deadlines and proceedings, pending the resolution of the motion to dismiss/change of venue.

Dated at Portland, Maine this 11th day of May, 2005.



Lisa F. Bendetson, Esq. (BBO#567069)
Attorney for Defendant, Kennebunk Savings Bank



James M. Bowie, Esq.¹
Attorney for Defendant, Kennebunk Savings Bank

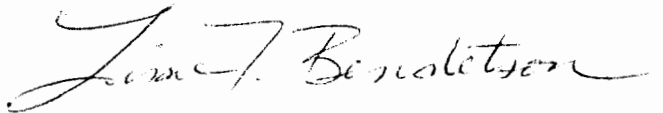
THOMPSON & BOWIE, LLP
Three Canal Plaza; P.O. Box 4630
Portland, ME 04112
(207) 774-2500

¹ A rule 83.5.3(b) application is pending which was filed simultaneously on this date, seeking leave of the Court for Attorney Bowie to appear and practice in this Court in this case. L.R.D.Mass. 83.5.3(b).

CERTIFICATE OF SERVICE

I, Lisa F. Bendetson, attorney for Defendant, Kennebunk Savings Bank, hereby certify that I made service of the foregoing document titled: "Defendant's Motion for Stay of Proceedings Pending Resolution of Motion to Dismiss/Change of Venue and Incorporated Memorandum of Law" via depositing a true copy of same, on this date, in the U.S. Mail, postage pre-paid, to: Marc D. Kornitsky, Esq., Antico, Barrett, Burke & Kornitsky, LLP, One Essex Green Drive, Peabody, MA 01960.

Dated at Portland, Maine, this 11 day of May, 2005.



Lisa F. Bendetson, Esq. (BBO#567069)
Attorney for Defendant, Kennebunk Savings Bank

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